



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Geoff BARRETT *et al.*

Appl. No.: 10/664,055

Filed: September 17, 2003

For: **Interrupt Verification Support
Mechanism**

Confirmation No.: 3239

Art Unit: 2131

Examiner: *To Be Assigned*

Atty. Docket: 1875.5100000

Petition Under 37 C.F.R. § 1.47(a)

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the requirements of 37 C.F.R. § 1.47(a) and M.P.E.P. § 409.03(a), Petitioner has filed herewith the following documents:

- (1) An original Declaration for Patent Application executed by Geoff Barrett, fulfilling the requirements of 37 C.F.R. § 1.47(a); and
- (2) Statement of Facts in Support of Filing On Behalf of Non-signing Inventor Under 37 C.F.R. § 1.47(a) from Thomas C. Fiala, Esq.

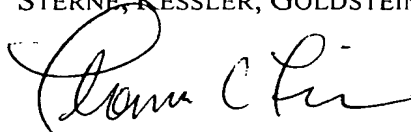
The Declaration for Patent Application has been signed by one of the two named joint inventors. Richard Porter has not executed the Declaration for Patent Application. Petitioner submits that the Declaration for Patent Application signed by Geoff Barrett, with the signature block of the non-signing inventors left blank, should be considered as having been signed by all of the joint inventors on behalf of the non-signing inventors. *See* M.P.E.P. § 409.03(a)(A).

The Statement of Facts in Support of Filing on Behalf of Non-signing Inventor Under 37 C.F.R. § 1.47(a) from Thomas C. Fiala, Esq., provides proof of the pertinent facts that the non-signing inventor cannot be reached after diligent effort. The Statement of Facts also indicates the last known address of the non-signing inventor

as required by M.P.E.P. § 409.03(a)(C). Petitioner therefore respectfully submits that the documents and fees filed herewith satisfy all the requirements of 37 C.F.R. § 1.47(a) and M.P.E.P. §§ 409.03(a), (d) and (e). Accordingly, Petitioner respectfully requests that the Petition Under 37 C.F.R. § 1.47(a) be granted and the Notice to File Missing Parts, dated December 12, 2003, be withdrawn.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to read "Thomas C. Fiala", is written over the printed name.

Thomas C. Fiala
Attorney for Petitioner
Registration No. 43,610

Date: 6/14/04

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

15. On May 22, 2004, Mr. Porter sent an e-mail to SKGF responding to the e-mail of May 17, 2004. In his e-mail, Mr. Porter indicated that he would be in Ho Chi Minh city in Vietnam on the 5th or 6th of June, but that he could not provide a specific mailing address.

16. Subsequent to receiving Mr. Porter's e-mail on May 22, 2004, SKGF has not received any further communications from Mr. Porter.

I declare that all statements made herein of my own knowledge are true and that all statements made on information from review of the file history of the patent application are believed to be true, and further that these statements were made with the knowledge that willful false statements or the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the patent application or any patent issued thereon.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Thomas C. Fiala
Attorney for Applicant
Registration No. 43,610

Date: 6/14/04

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*Admitted only in Maryland
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*Practice Limited to
Federal Agencies

July 12, 2004

WRITER'S DIRECT NUMBER:

(202) 772-8835

INTERNET ADDRESS:

TFIALA@SKGF.COM

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Mail Stop Missing Parts

Re: U.S. Patent Application
Appl. No. 10/664,055; Filed: September 17, 2003
For: **Interrupt Verification Support Mechanism**
Inventors: BARRETT et al.
Our Ref: 1875.5100000

Sir:

In reply to the "Notice Of Incomplete Reply (Nonprovisional)--Filing Date Granted" dated July 2, 2004 (hereinafter, "Notice of Incomplete Reply"), Applicants submit the following documents for appropriate action by the U.S. Patent and Trademark Office:

1. Copy of Notice Of Incomplete Reply (NonProvisional)--Filing Date Granted, dated July 2, 2004;
2. Copy of a Petition for a FOUR (4) Month Extension of Time under 37 C.F.R. § 1.136, previously filed on June 14, 2004;
3. Copy of the Notice to File Missing Parts dated December 12, 2003;
4. Copy of a Petition Under 37 C.F.R. § 1.47(a) previously filed on June 14, 2004;
5. Copy of a Statement of Facts In Support Of Filing On Behalf Of Non-Signing Inventor Under 37 C.F.R. § 1.47(a) previously filed on June 14, 2004;
6. Copy of an original Declaration, executed by the inventor Geoff BARRETT previously filed on June 14, 2004;

7. Copy of PTO date stamped receipt card for filing Reply To Notice To File Missing Parts Of Application--Filing Date Granted, dated June 14, 2004; and
8. One (1) Return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

The Notice Of Incomplete Reply states that the signature of inventor Richard Porter is missing from the oath or declaration. However, 37 C.F.R. § 1.47(a) states:

If a joint inventor refuses to join in an application for patent or cannot be found or reached after diligent effort, the application may be made by the other inventor on behalf of himself or herself and the nonsigning inventor. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, the fee set forth in § 1.17(h), and the last known address of the nonsigning inventor. The nonsigning inventor may subsequently join in the application by filing an oath or declaration complying with § 1.63.

In its response to the Notice to File Missing Parts filed on June 14, 2004, Applicants filed a Declaration executed by inventor Geoff Barrett, and, in lieu of the signature of inventor Richard Porter, a Petition Under 37 C.F.R. § 1.47(a), a Statement of Facts In Support Of Filing On Behalf Of Non-Signing Inventor Under 37 C.F.R. § 1.47(a) which included the last known address of the nonsigning inventor, and the necessary petition fee. Thus, Applicants respectfully submit that the documents and fees filed on June 14, 2004 in response to the Notice To File Missing Parts constituted a complete reply to the Notice to File Missing Parts. Accordingly, Applicants submit that the Notice of Incomplete Reply was issued in error, and respectfully submit that both the Notice to File Missing Parts and the Notice of Incomplete Reply be withdrawn.

Commissioner for Patents
July 12, 2004
Page 3

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. If extensions of time under 37 C.F.R. § 1.136 other than those otherwise provided for herewith are required to prevent abandonment of the present patent application, then such extensions of time are hereby petitioned, and any fees therefor are hereby authorized to be charged to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to read "Thomas C. Fiala", written over the printed name.

Thomas C. Fiala
Attorney for Applicants
Registration No. 43,610

TCF/mjg
Enclosures

223819v1



BEST AVAILABLE COPY

Applicants: BARRETT *et al.*

Due Date: June 14, 2004 (6/12/04 = Sat.)

Art Unit: 2131

Confirmation No. 3239

Examiner: To Be Assigned

Docket: 1875.5100000

Atty: TCF

Application No.: 10/664,955

Filed: September 17, 2003

For: Interrupt Verification Support Mechanism

When receipt stamp is placed hereon, the USPTO acknowledges receipt of the following documents:

1. SKGF Cover Letter;
2. Petition for Extension of Time under 37 C.F.R. § 1.136;
3. PTO Fee Transmittal Form PTO/SB/17;
4. Copy of the Notice to File Missing Parts;
5. Petition Under 37 C.F.R. § 1.47(a);
6. Statement of Facts In Support Of Filing On Behalf Of Non-Signing Inventor Under 37 C.F.R. § 1.47(a);
7. Original Declaration, executed by the inventor Geoff BARRETT;
8. PTO-2038 Credit Card Payment Form for \$2,582.00 to cover the \$ 770.00 Filing Fee for Patent Application; \$ 1,480.00 Extension of time fees ; \$ 130.00 Surcharge for late filing fee or Declaration ; the \$ 72.00 Fee for excess claims; and the \$130.00 Petition Fee; and
9. One Return postcard.



Please Date Stamp and Return to Our Courier

Mail Stop: Missing Parts



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Geoff BARRETT *et al.*

Appl. No.: 10/664,055

Filed: September 17, 2003

For: **Interrupt Verification Support
Mechanism**

Confirmation No.: 3239

Art Unit: 2131

Examiner: *To Be Assigned*

Atty. Docket: 1875.5100000

**Statement Of Facts In Support of Filing On Behalf Of Non-Signing
Inventor Under 37 C.F.R. § 1.47(a)**

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

I, Thomas C. Fiala, Esq., hereby declare:

1. I am making this statement of facts in support of filing on behalf of a non-signing inventor under 37 C.F.R. § 1.47(a) with regard to U.S. Non-Provisional Patent Application No. 10/664,055, filed September 17, 2003 (hereinafter referred to as the "patent application").

2. I am registered to practice before the U.S. Patent and Trademark Office (USPTO) with Reg. No. 43,610.

3. I am employed at the law firm of Sterne, Kessler, Goldstein & Fox, P.L.L.C. (hereinafter "SKGF"), 1100 New York Avenue, N.W., Washington, D.C. 20005-3934.

4. Mr. Richard Porter ("Mr. Porter") is an inventor named in the patent application. His last known address as of February 2, 2004, is as follows:

Top Floor Flat
11 Richmond Terrace, Clifton
Bristol, United Kingdom, BS81 AB

5. The invention(s) disclosed and/or claimed in the above-identified patent application were made while Mr. Porter was employed by Broadcom Corporation ("Broadcom"), 16215 Alton Parkway, Irvine, California, 92618.

6. On January 30, 2004, SKGF sent a copy of the above-identified patent application along with an unexecuted Declaration for Patent Application to Mr. Porter via e-mail at rporter@broadcom.com. This was Mr. Porter's e-mail address while he was employed by Broadcom.

7. The e-mail sent to Mr. Porter on January 30, 2004 was returned to SKGF on the same day that it was sent, marked undeliverable. SKGF contacted Broadcom on the same day concerning the returned e-mail and was informed by Broadcom that Mr. Porter was no longer employed by Broadcom.

8. On February 2, 2004, Broadcom provided SKGF with the last known address for Mr. Porter, which was identified above in paragraph 4.

9. On February 12, 2004, SKGF sent a package including a copy of the above-identified patent application along with an unexecuted Declaration for Patent Application to Mr. Porter at his last known address via Federal Express. According to Federal Express, the package could not be delivered because the intended recipient was "not available." Federal Express returned the package to SKGF on February 26, 2004.

10. On February 26, 2004, SKGF informed Broadcom that the Federal Express package mailed February 12, 2004, had been returned as undeliverable and inquired as to whether there were any other addresses at which to contact Mr. Porter.

11. On March 1, 2004, SKGF received an e-mail from Mr. Geoff Barrett ("Mr. Barrett"), a co-inventor in the above-identified patent application, indicating that Mr. Porter had "left the company and is travelling around the world." As a result, Mr. Barrett indicated that "[w]e have been trying to find a way to send him the documents but without success."

12. On March 9, 2004, Mr. Barrett provided SKGF with a new e-mail address for Mr. Porter. The new e-mail address was dung_spreader@yahoo.com. On the same day, SKGF sent a copy of the above-identified patent application along with an unexecuted Declaration for Patent Application to Mr. Porter at this new e-mail address.

13. On May 17, 2004, Mr. Porter sent an e-mail responding to the SKGF's e-mail of March 9, 2004. In his e-mail, Mr. Porter indicated that he was currently in Cambodia and was incapable of printing out, executing, or sending the necessary documents.

14. On May 17, 2004, SKGF sent an e-mail to Mr. Porter, responding to his e-mail of the same date. In the e-mail, SKGF asked Mr. Porter if there was an address that he was currently at or would be at in the near future where he could receive a Federal Express package that included the necessary documents. SKGF indicated that a pre-paid Federal Express envelope could be included with package so that he could return the necessary executed documents.



Declaration for Patent Application

Docket Number: 1875.5100000

As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter that is claimed and for which a patent is sought on the invention entitled **Interrupt Verification Support Mechanism**, the specification of which is attached hereto unless the following box is checked:

☒ was filed on September 17, 2003;

as United States Application Number or PCT International Application Number 10/664,055; and
was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or (f) or § 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or § 365(a) of any PCT international application, which designated at least one country other than the United States of America, listed below, and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Applications(s):

Priority Claimed

(Application No.)

(Country)

(Day/Month/Year Filed)

☐ Yes ☐ No

(Application No.)

(Country)

(Day/Month/Year Filed)

☐ Yes ☐ No


Send Correspondence to:

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 New York Avenue, N.W.
Washington, D.C. 20005-3934

Direct Telephone Calls to:

(202) 371-2600

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first Inventor:	Geoff BARRETT
Signature of first Inventor:	 Date: 8 March 2004
Residence:	Bristol, United Kingdom
Citizenship:	United Kingdom
Mailing Address:	320 Bristol Business Park, Coldharbour Lane Bristol, United Kingdom, BS16 1EJ

Full name of second Inventor:	Richard PORTER
Signature of second Inventor:	Date:
Residence:	Bristol, United Kingdom
Citizenship:	United Kingdom
Mailing Address:	320 Bristol Business Park, Coldharbour Lane Bristol, United Kingdom, BS16 1EJ